

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMES MONKEMEIER,)	
)	
Plaintiff)	
v.)	
)	
INTERNAL REVENUE SERVICE, INC.)	CASE NO.
JAMES ASHTON, JAMES DAUGHERTY,)	
TOM WHORLEY, JOY L. SMITH, NEW YORK)	
LIFE INSURANCE and JUSTIN GORDON,)	
)	
Defendants)	

NOTICE OF REMOVAL

The United States of America, on behalf of Internal Revenue Service, gives this Court notice of removal of the above-entitled cause now pending as Cause No. 2012-47011 in the 127th Judicial District Court, Harris County, Texas, and as grounds therefor would show the Court the following:

1. Plaintiff filed its Original Petition and Application for Temporary Restraining Order with the 127th Judicial District, Harris County, Texas, on or about August 16th, 2012. The United States of America was made a party to this action, on behalf of the Internal Revenue Service. The Internal Revenue Service is an agency of the United States of America. The United States first became aware of the Plaintiff's suit on or about August 24, 2012. A copy of the pleading received thus far by the United States is attached as Exhibit A. Certified copies of the docket sheet, and an additional pleading, have been requested from the State Court, and will be forwarded as soon as they are received.

2. This Notice of Removal is filed pursuant to 28 U.S.C. Sec. 1441, 1442, 1444, 1446 and 2410, said action and cause in State Court being a civil action brought for the purpose of enjoining the United States from the assessment/collection of federal taxes. This action is prohibited by the

Anti-Injunction Act (26 U.S.C. Sec. 7421). This Court has original subject matter jurisdiction of this action by virtue of 28 U.S.C. Sec. 1331 and 1346.

Wherefore, the United States of America gives notice that this action, now pending in the 127th Judicial District Court, Harris County, Texas, is removed to this Court.

KENNETH MAGIDSON
United States Attorney

/s/ G. Hobart Miller
G. HOBART MILLER
Attorney, Tax Division
State Bar No. 14073020
U.S. Department of Justice
717 N. Harwood, Suite 400
Dallas, Texas 75201
(214) 880-9748
(214) 880-9742 (FAX)
Glen.H.Miller@USDOJ.gov

ATTORNEYS FOR THE UNITED STATES

CERTIFICATE OF SERVICE

IT IS CERTIFIED that service of the foregoing Notice of Removal has been made on the
27th day of August, 2012, by mailing a copy to:

James Monkemeier
19615 FM 2920
Tomball, Texas 77377

James Ashton
Galleria Village
1740 Briarcrest Drive
Bryan, Texas 77802

James Daugherty
1616 Capitol Avenue
Omaha, NE 68102

Tom Whorley
934 Third Avenue, Suite 200
Sheldon, Iowa 51201

Joy L. Smith
818 Greenwood
Storm Lake, IA 50588

New York Life Insurance
51 Madison Avenue
New York, NY 10010

Justin Gordon
P.O. Box 924427
Houston, Texas 77292

/s/ G. Hobart Miller
G. HOBART MILLER